

**From:** Tony Castaldo  
**To:** Microsoft ATR  
**Date:** 12/12/01 9:24am  
**Subject:** Microsoft Settlement

I have three comments:

1. It is completely inappropriate for Microsoft to only have to reveal API information to commercial entities. The software that overwhelmingly runs the the Internet is Apache and SendMail, and although Microsoft dominates the desktop, Linux is a major competitor of Microsoft as an operating system on Servers. All three of these are open-source and free software maintained by the community. They are not profit-oriented. Although there is a loose organization in charge of each, they are not formal businesses and could not be described as commercial. Yet they are potent forces providing great value to both business and society as a whole; they can be thought of as non-profit organizations staffed by volunteers for the joy of contributing. This Settlement screws them. Microsoft should not be allowed to pick and choose who gets the API information AT ALL, it should have to publish the APIs on its website for all to see and read; it should be included in the help system for its C++ and other languages, just like the MFC (Microsoft Foundation Class) help. Make them tell EVERYBODY.

2. It is completely inappropriate for MICROSOFT to make the determination of which entities ARE commercial businesses! They are the guilty offenders, for God's sake, why do they get to decide what's a "real" business and what isn't? By this agreement, Section III(J)(2)(c), they could decide anybody with less than ten billion in revenue isn't a real business. Being the offender most damaged by revealing anything, I don't believe Microsoft is capable of establishing "reasonable, objective" standards. They don't even have to tell us WHAT these "reasonable, objective" standards of being a business ARE, they can just say "It's uh, not you!"

3. Schools. Why should Microsoft be REWARDED by this Settlement? Schools is about the only place Apple competes evenly with Microsoft, and this gives Microsoft an edge! If Microsoft wants to do this, fine, but let them do it separately from the Settlement. Any money Microsoft shells out should go to the plaintiffs, pure and simple. Also, this lets Microsoft substitute software for money, and the software probably actually costs them five bucks a package, which counts as a hundred bucks. This whole school thing is crazy, it's some sort of red herring.

Finally I have read some about Steve Satchell and heard good things about his experience and intelligence; I think he would be a good candidate for the compliance team.

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